FILING FEE PAID
Yes ____ No X
IFP MOTION FILED
Yes ____ No X
COPIES SENT TO
Court ____ Pros X

FILED
JUL - 2 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ____ DEPUTY

RICKY OTIS, R
NAME

V82979
PRISON NUMBER

P.O. BOX 901
CURRENT ADDRESS OR PLACE OF CONFINEMENT

Imperial, CA. 92251
CITY, STATE, ZIP CODE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RICKY RANDALL OTIS II,
(FULL NAME OF PETITIONER)

PETITIONER

v.

______________________,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

PEOPLE OF THE STATE OF CALIF,
The Attorney General of the State of California, Additional Respondent.

Civil No. 08CV1181-W (BLM)
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: East County Division 250 East main St. El Cajon
2. Date of judgment of conviction: May 19, 2005
3. Trial court case number of the judgment of conviction being challenged: Case NO. SCE 247581
4. Length of sentence: 7/8, 85%

5. Sentence start date and projected release date: May 19, 2005 - July 23, 2001

6. Offense(s) for which you were convicted or pleaded guilty (all counts): Making a Criminal threat (II) Assault with a firearm (III) Corporal Injury to a Spouse or roomate (IV) False Imprisoment

7. What was your plea? (CHECK ONE)
   - (a) Not guilty ☒
   - (b) Guilty ☐
   - (c) Nolo contendere ☐

8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
   - (a) Jury ☒
   - (b) Judge only ☐

9. Did you testify at the trial?
   ☐ Yes ☒ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?
    ☒ Yes ☐ No

11. If you appealed in the California Court of Appeal, answer the following:
    - (a) Result: UNKNOWN
    - (b) Date of result, case number and citation, if known: UNKNOWN
    - (c) Grounds raised on direct appeal: THE ERRONEOUS ADMISSION OF HEARSAY DEPRIVED APPELLANT OF DUE PROCESS AND REVERSAL IS REQUIRED (II) THE TRIAL COURT ERRED IN GIVING CALJIC NUMBER 2.52 ON CONSCIOUSNESS OF GUILT

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:
    - (a) Result: UNKNOWN
    - (b) Date of result, case number and citation, if known: UNKNOWN
    - (c) Grounds raised: UNKNOWN

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:
    (a) Result: UNKNOWN
    (b) Date of result, case number and citation, if known: UNKNOWN
    (c) Grounds raised: UNKNOWN

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?
☐ Yes ☒ No I DID NOT I DONT KNOW I MY APPEALS ATTORNEY DID

15. If your answer to #14 was "Yes," give the following information:
    (a) California Superior Court Case Number: UNKNOWN
    (b) Nature of proceeding: UNKNOWN
    (c) Grounds raised: UNKNOWN
    (d) Did you receive an evidentiary hearing on your petition, application or motion?
    ☐ Yes ☒ No
    (e) Result: UNKNOWN
    (f) Date of result: UNKNOW

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?
☐ Yes ☒ No DONT KNOW IF MY APPEALS ATTORNEY DID HE WILL NOT SEND ME, MY RESULT FROM ANY THING

17. If your answer to #16 was "Yes," give the following information:

(a) **California Court of Appeal** Case Number: UNKNOWN

(b) Nature of proceeding: UNKNOWN

(c) Grounds raised: UNKNOWN

(d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No

(e) Result: UNKNOWN

(f) Date of result: UNKNOWN

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?
☐ Yes ☒ No DONT KNOW IF MY APPEALS ATTORNEY DID

19. If your answer to #18 was "Yes," give the following information:

(a) **California Supreme Court** Case Number: UNKNOWN

(b) Nature of proceeding: UNKNOWN

(c) Grounds raised: UNKNOWN

(d) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☒ No

(e) Result: UNKNOWN

(f) Date of result: UNKNOWN

20. If you did ***not*** file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court, containing the grounds raised in this federal Petition, explain briefly why you did not:

____

____

____

____

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?
☐ Yes ☐ No (IF "YES" SKIP TO #22)
(a) If no, in what federal court was the prior action filed? ____________
(i) What was the prior case number? ____________
(ii) Was the prior action (CHECK ONE):
☐ Denied on the merits?
☐ Dismissed for procedural reasons?
(iii) Date of decision: ____________
(b) Were any of the issues in this current petition also raised in the prior federal petition?
☐ Yes ☐ No
(c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
☐ Yes ☐ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present ***all*** other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUNDS FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE**: THE ERRONEOUS ADMISSION OF HEARSAY DEPRIVED APPELLANT OF DUE PROCESS AND REVERSAL IS REQUIRED

Supporting FACTS (state *briefly* without citing cases or law) THE SIXTH AMENDMENTS GUARANTEE OF RIGHT OF AN ACCUSED TO CONFRONT THE WITNESSES AGAINST HIM IS A FUNDAMENTAL RIGHT AND IS MADE OBLIGATORY ON THE STATES BY FOURTEENTH AMENDMENT ENVISIONS A PERSONAL EXAMINATION AND CROSS-EXAMINATION OF THE WITNESS IN WHICH THE ACCUSED HAS AN OPPORTUNITY NOT ONLY TO TEST THE RECOLLECTION AND SIFT THE CONSCIENCE OF THE WITNESS BUT ALSO TO COMPEL THE WITNESS TO STAND FACE TO FACE WITH THE JURY IN ORDER THAT THEY MAY LOOK AT HIM AND JUDGE BY HIS DEMEANER WHETHER HIS TESTIMONY IS WORTHY OF BELIEF. BASE ON FACTS ST. ANDREW WAS A WITNESSES THAT PROVIDED EVIDENCE AGAINST APPELLANT. SO BY LAW PROSECUTOR MUST PROVIDE EVIDENCE THAT A CRIME WAS COMMITTED AGAINST THE VICTOM, AT THE SAME TIME GIVE THE DEFENSE A FAR TRIAL. BASE ON FACTS AND EVIDENCE THERE WASN'T ENOUGTH EVIDENCE FOR THE JURY TO COME BACK WITH A GUILTY VERDICT ON COUNT THREE AND FOUR. WHEN THE JURY CAME BACK IN TO COURT AND ASK FOR MORE EVIDENCE THAT SHOWED RESONABLE OF DOUBT.

Did you raise GROUND ONE in the California Supreme Court?

☒ Yes ☐ No.

THE COURT: THE OTHER JURORS HAVE LEFT. WE ARE PRESENT WITH DEFENSE COUNSEL, DEPUTY DISTRICT ATTORNEY, THE DEFENDANT, AND JUROR NO. 4.

MA'AM, THE REASON I ASKED YOU TO STAY IS THAT YOU HAVE BEEN HAVING YOUR EYES CLOSED FOR A PORTION OF THE TESTIMONY. I WONDER IF YOU ARE HAVING TROUBLE?

JUROR NO. 4: I WAS GETTING A LITTLE TIRED.

THE COURT: HAVE YOU DOZED OFF?

JUROR NO. 4: I DON'T THINK SO.

THE COURT: HAVE YOU LISTENED TO ALL OF THE TESTIMONY?

JUROR NO. 4: YES.

THE COURT: SOME PEOPLE DO LISTEN WITH THEIR EYES CLOSED. DO YOU DO THAT?

JUROR NO. 4: YES.

THE COURT: ARE YOU SURE YOU ARE NOT HAVING A PROBLEM, AS FAR AS -- IS THAT AT ALL INTERFERING WITH YOUR ABILITY TO LISTEN TO THE TESTIMONY?

JUROR NO. 4: NO, I AM OKAY.

THE COURT: THANK YOU. IF YOU DO, LET ME KNOW. I WOULD LIKE TO KNOW. I WANT TO KNOW IF YOU ARE OKAY.

ALL RIGHT. THANK YOU.

WE WILL SEE YOU -- WE'VE GOT 14 AND A HALF MINUTES. THANK YOU.

JUROR NO. 4: YES, SIR.

THE COURT: YOU MAY GO TO BREAK ALSO, BUT YOU'RE

ALTERNATE JUROR: OKAY. JUST FOR EMPLOYER PURPOSES.

THE COURT: EITHER WAY WE WILL GIVE YOU A CALL. IF IT IS CONCLUDED, WE WILL GIVE YOU A CALL RIGHT AWAY. SO YOU ARE FREE TO LEAVE AND REMAIN ON STANDBY.

HAVE A PLEASANT DAY.

ALTERNATE JUROR: THANK YOU.

THE COURT: THANK YOU. JURORS HAVING LEFT, WE WILL NEED EXHIBIT 3. WE WILL NEED A COPY OF THE INSTRUCTIONS IN CASE WE HAVE QUESTIONS. OKAY.

ANYTHING FURTHER.

MR. MECHALS: NO. IS THE DEFENDANT GOING TO BE PRESENT IF THEY HAVE QUESTIONS OR STUFF, OR DO YOU WANT TO WAIVE THAT?

MR. TARANTINO: YES, I WOULD LIKE HIM PRESENT.

WHAT IS THE COURT'S USUAL TIME OF RELEASING THE JURY, BECAUSE I WILL --

THE COURT: WE CAN GO OFF THE RECORD.

(DISCUSSION HELD OFF THE RECORD.)

(RECESS.)

MR. TARANTINO: YOUR HONOR, I WAIVE HIS PRESENCE. I READ THE NOTE.

THE COURT: BOTH COUNSEL ARE PRESENT. WE HAVE A NOTE FROM THE JURY. JURY NOTE ONE. "WITNESS'S REPORTS AND POLICE REPORTS COPIES, PLEASE."

THE RESPONSE IS "THE ACTUAL PHYSICAL COPIES OF THE REPORTS REFERRED TO WERE NOT ENTERED INTO

THE COURT: BECAUSE SHE STATED, "THIS IS CONCERNING MY SAFETY AND THAT OF MY FAMILY." YOU DID NOT DESCRIBE IN YOUR NOTE WHAT IT IS THAT RAISED THIS CONCERN OF YOURS. SO I WOULD LIKE TO HEAR THAT.

JUROR NO. 1: MY BROTHER GOES TO EL CAJON VALLEY HIGH SCHOOL, WHERE CHARNESHA GOES, WHICH IS -- SHE IS THE DEFENDANT'S SISTER. SO I DIDN'T KNOW ABOUT THIS, BUT THIS MORNING I WAS THERE IN SCHOOL AND HE WAS -- HE GOT AN AWARD AND HE WAS ON T.V. AND I WAS THERE WITH HIM. I DON'T KNOW HOW MUCH IT COULD -- IF THEY SAW ME OR NOT, BUT NOW THEY KNOW WHO MY FAMILY IS AND HIS FAMILY HAS SEEN ME, BUT THEY DIDN'T KNOW WHO MY FAMILY WAS AND THAT CONCERNS ME, THEM BEING IN THE SAME SCHOOL.

THE COURT: DID YOU HAVE ANY INTERACTION, AT ALL, WITH ANY OF THE DEFENDANT'S FAMILY?

JUROR NO. 1: NO, I DIDN'T.

THE COURT: DID YOU RECOGNIZE ANY OF THEM BEING PRESENT?

JUROR NO. 1: NO.

THE COURT: IT IS JUST A CONCERN?

JUROR NO. 1: IT IS JUST A CONCERN, YES.

THE COURT: AND ANY QUESTIONS, COUNSEL?

MR. TARANTINO: NO.

MS. OCHOA: I HAVE A FEW. I'M HERE ON BEHALF OF KURT MECHALS, THE DISTRICT ATTORNEY IN THIS CASE.

FROM WHAT HAPPENED WITH YOUR BROTHER IN

(b) **GROUND TWO**: THe Trial court Erred in giving CALJIC number 2.52 on Consciousness of Guilt

Supporting FACTS (state *briefly* without citing cases or law): THE COURT INSTRUCTED THE JURY WITH CALJIC NO. 2.52 AS FOLLOWS: THE FLIGHT OF A PERSON IMMEDIATELY AFTER THE COMMISSION ON A CRIME OR AFTER HE IS ACCUSED OF A CRIME, IS NOT SUFFICIENT IN ITSELF TO ESTABLISH HIS GUILT, BUT IS A FACT WHICH, IF PROVED FACTS IN DECIDING THE QUESTION OF HIS GUILT OR INNOCENCE. THE WEIGHT TO WHICH SUCH CIRCUMSTANCE IS ENTITLED IS A MATTER FOR YOU TO DETERMINE. BUT AT THE SAME TIME THE COURT FORGOT TO TAKE INCONSIDERATION THAT FOSTER SAID "HE ASK APPELLANT TO LEAVE THE APARTMENT." THAT WAS A REASON NOT TO GIVE THE INSTRUCCGIN OF FLIGHT. NOW IF THE OFFICERS WOULD OF GAVE TESTMONILY THAT APPELLANT RAN FROM THEM TO AVAED ARREST THEN THE COURT WOULD OF HAD A REASON TO GIVE JURY INSTRUCTGIN CALJIC NO. 2.52

Did you raise GROUND TWO in the California Supreme Court?
☐ Yes ☐ No.

(c) **GROUND THREE**: THE TRIAL COURT COMMITTED REVERSIBLE ERROR IN DENYING APPELLANT'S WHEELER MOTION

Supporting FACTS (state *briefly* without citing cases or law): THE PROSECUTOR USED HIS FIRST PEREMPTORY CHALLENGE TO DISMISS THE ONLY AFRICAN-AMERICAN ON THE PANEL OF PROSPECTIVE JURORS. BUY LAW DEFENSE GET A TRIAL OF HIS/HER PEERS

Did you raise GROUND THREE in the California Supreme Court?

☒ Yes ☐ No.

(d) **GROUND FOUR**: ______________________________

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Supporting FACTS (state *briefly* without citing cases or law): ______________________________

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Did you raise GROUND FOUR in the California Supreme Court?

☐ Yes ☐ No.

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?
☐ Yes ☒ No

24. If your answer to #23 is "Yes," give the following information:
(a) Name of Court: ______
(b) Case Number: ______
(c) Date action filed: ______
(d) Nature of proceeding: ______
(e) Grounds raised: ______
(f) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
(a) At preliminary hearing: SALVATORE TARANTINO
(b) At arraignment and plea: SALVATORE TARANTINO
(c) At trial: SALVATORE TARNTINO
(d) At sentencing: SALVATORE TARNTINO
(e) On appeal: RUSSELL S. BABCOCK
(f) In any post-conviction proceeding: N/A
(g) On appeal from any adverse ruling in a post-conviction proceeding: N/A

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
☒ Yes ☐ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
☐ Yes ☒ No

(a) If so, give name and location of court that imposed sentence to be served in the future: ______________________________

(b) Give date and length of the future sentence: ______________________________

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
☐ Yes ☐ No

28. Date you are mailing (or handing to a correctional officer) this Petition to this court: 6-19-08

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

____
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

6-19-08
(DATE)

Ricky Otis
SIGNATURE OF PETITIONER

JS44
(Rev. 07/89)

CIVIL COVER SHEET

FILED
JUL - 2 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Ricky Randall Otis

DEFENDANTS

People of the State of California

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ricky Randall Otis V82979
Po Box 901
Imperial, CA 92251

ATTORNEYS (IF KNOWN)

08cv 1181 - W (BLM)

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT (For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	☐1	☐1	Incorporated or Principal Place of Business in This State	☐4	☐4
Citizen of Another State	☐2	☐2	Incorporated and Principal Place of Business in Another State	☐5	☐5
Citizen or Subject of a Foreign Country	☐3	☐3	Foreign Nation	☐6	☐6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
	PERSONAL INJURY	PERSONAL INJURY			
☐ 110 Insurance	☐ 310 Airplane	☐ 362 Personal Injury-Medical Malpractice	☐ 610 Agriculture	☐ 422 Appeal 28 USC 158	☐ 400 State Reappointment
☐ Marine	☐ 315 Airplane Product Liability	☐ 365 Personal Injury - Product Liability	☐ 620 Other Food & Drug	☐ 423 Withdrawal 28 USC 157	☐ 410 Antitrust
☐ Miller Act	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability	☐ 625 Drug Related Seizure of Property 21 USC881	**PROPERTY RIGHTS**	☐ 430 Banks and Banking
☐ Negotiable Instrument	☐ 330 Federal Employers' Liability	**PERSONAL PROPERTY**	☐ 630 Liquor Laws	☐ 820 Copyrights	☐ 450 Commerce/ICC Rates/etc.
☐ 150 Recovery of Overpayment &Enforcement of Judgment	☐ 340 Marine	☐ 370 Other Fraud	☐ 640 RR & Truck	☐ 830 Patent	☐ 460 Deportation
☐ 151 Medicare Act	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 650 Airline Regs	☐ 840 Trademark	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 660 Occupational Safety/Health	**SOCIAL SECURITY**	☐ 810 Selective Service
☐ 153Recovery of Overpayment of Veterans Benefits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 690 Other	☐ 861 HIA (13958)	☐ 850 Securities/Commodities Exchange
☐ 160 Stockholders Suits	☐ 360 Other Personal Injury		**LABOR**	☐ 862 Black Lung (923)	☐ 875 Customer Challenge 12 USC
☐ Other Contract			☐ 710Fair Labor Standards Act	☐ 863 DIWC/DIWW (405(g))	☐ 891 Agricultural Acts
☐ 195 Contract Product Liability			720 Labor/Mgmt. Relations	☐ 864 SSID Title XVI	☐ 892 Economic Stabilization Act
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**	☐ 730 Labor/Mgmt. Reporting & Disclosure Act	☐ 865 RSI (405(g))	☐ 893 Environmental Matters
☐ 210 Land Condemnation	☐ 441 Voting	☐ 510 Motions to Vacate Sentence Habeas Corpus	☐ 740 Railway Labor Act	**FEDERAL TAX SUITS**	☐ 894 Energy Allocation Act
☐ 220 Foreclosure	☐ 442 Employment	☒ 530 General	☐ 790 Other Labor Litigation	☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 230 Rent Lease & Ejectmant	☐ 443 Housing/Accommodations	☐ 535 Death Penalty	☐ 791 Empl. Ret. Inc.	☐ 871 IRS - Third Party 26 USC 7609	☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 240 Tort to Land	☐ 444 Welfare	☐ 540 Mandamus & Other	☐ Security Act		☐ 950 Constitutionality of State
☐ 245 Tort Product Liability	☐ 440 Other Civil Rights	☐ 550 Civil Rights			☐ 890 Other Statutory Actions
☐ 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 **DEMAND $** Check YES only if demanded in complaint: **JURY DEMAND:** ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE ~~SIGNATURE OF ATTORNEY OF RECORD~~